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IN THE

# Supreme Court of the United States

**October Term, 1956**

**Docket No. [redacted] 221**

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HARMAR DRIVE-IN THEATRE, INC.,
*Plaintiff-Appellant,*

*against*

WARNER BROS. PICTURES, INC. (In Dissolution), *et al.*,
*Defendants,*

*and*

PARAMOUNT FILM DISTRIBUTING CORP., *et al.*,
*Defendants-Appellees.*

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COLONIAL DRIVE-IN THEATRE, INC.,
*Plaintiff-Appellant,*

*against*

WARNER BROS. PICTURES, INC. (In Dissolution), *et al.*,
*Defendants,*

*and*

PARAMOUNT FILM DISTRIBUTING CORP., *et al.*,
*Defendants-Appellees.*

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## REPLY BRIEF FOR PETITIONERS

The decision of the Court of Appeals in the instant case is squarely in conflict with its decision in *Laskey Bros. of W. Va., Inc.* v. *Warner Bros. Pictures*, 2 Cir., 224 F. 2d 824, cert. denied, 350 U. S. 932, and *Austin Theatre, Inc.* v. *Warner Bros. Pictures*, 2 Cir., 224 F. 2d 824, cert. denied.

350 U. S. 932. The Court's opinion in those cases was written by Chief Judge Clark who, in his dissenting opinion on the rehearing in the instant case, asserted the existence of that conflict (11-a).

The existence of this intra-circuit conflict constitutes ample ground for the grant of certiorari.

*Dickinson* v. *Petroleum Conversion Corp.*, 338 U. S. 507, 508;
*Maggio* v. *Zeitz*, 333 U. S. 56, 59-60.

Respectfully submitted,

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